

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 401**

February 4, 2021

**SUMMARY OF BILL:** Authorizes the Court of Workers' Compensation Claims, for injuries occurring between July 1, 2021 and June 30, 2023, to award reasonable attorneys' fees and reasonable costs, including, but not limited to, reasonable and necessary court reporter expenses and expert witness fees for depositions and trials, incurred when an employer wrongfully denies a claim and fails to timely initiate any of the benefits to which the employee or dependent is entitled under workers' compensation laws.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The Court of Workers' Compensation claims was authorized to award such fees, costs, and benefits for injuries that occurred between July 1, 2016 and June 30, 2020.
- The Court of Workers' Compensation Claims has not been authorized to award such fees, costs, and benefits for injuries occurring after June 30, 2020.
- This legislation will authorize the Court to award such fees, costs, and benefits for injuries occurring between July 1, 2021 and June 30, 2023.
- This legislation will only impact private employers and their employees, unless an employer is the state, a county, or a municipality that opted into the workers' compensation law, pursuant to Tenn. Code Ann. § 50-6-106(6).
- Based on information provided by the Bureau of Workers' Compensation, there are no known cases in which the state, a county, or a municipality has had to award such additional monetary benefits; therefore, this legislation is estimated to have no significant impact on state or local government.

**IMPACT TO COMMERCE:**

**Increase Business Expenditures – Exceeds \$10,000/Each FY21-22 through FY23-24**

Assumptions:

- This legislation is estimated to result in an increase in business expenditures equal to the total of additional attorneys' fees, reasonable costs, and necessary court reporter and expert witness fees that are awarded by the Court of Workers' Compensation Claims.
- Due to multiple unknown variables, any increase in business expenditures for private employers in this state cannot be accurately determined, but is reasonably estimated to exceed \$10,000 in FY21-22 through FY23-24.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

/jb